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Committee on Economic, Social and Cultural Rights

Fifty-ninth session

Summary record of the 54th meeting

Held at the Palais des Nations, Geneva, on Wednesday, 21 September 2016, at 10 a.m.

Chair: Mr. Sadi

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The meeting was called to order at 10 a.m.

Consideration of reports (*continued*)

(a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant (*continued*)

Sixth periodic report of Cyprus (continued) (E/C.12/CYP/6; E/C.12/CYP/Q/6 and Add.1)

1. *At the invitation of the Chair, the delegation of Cyprus took places at the Committee table.*

2. **Ms. Koursoumba** (Cyprus) said that, despite the austerity programmes instituted by the Government, social protection remained as comprehensive as it had previously been, but it was now targeted towards those most in need, with stronger mechanisms to help people enter the labour market.

3. An elementary school in Limassol had 23 Roma pupils of Turkish Cypriot origin. They were taught Turkish, and since 2013 had been given the option of studying the Kurbetcha dialect; five of them had chosen to do so. The pupils were concentrated in one school because their families chose to live in the same community; the State did not practise the segregation of such children. Elementary schools could offer classes in Turkish, but a minimum of five pupils was required to make them viable. A number of children travelled daily from the occupied areas of Cyprus to attend a private school in Nicosia, with the Government paying their school fees.

4. **Ms. Andreou** (Cyprus) said that unemployment levels had been improved by the timely measures put in place by the Government to help people into work and targeted programmes for young people and the long-term unemployed. The Public Employment Services had been strengthened, and funding from the European Union had been mobilized for specific programmes. The youth unemployment rate was currently 24 per cent, compared to just under 33 per cent in 2005. In urban areas, 5,000 young people were unemployed, while in rural areas the figure stood at 2,200. A total of 51,000 people held part-time employment, while 46,000 had temporary contracts. Of the 42,000 people who were unemployed, 5,000 had been helped into work by the Government's programmes, while many more had been supported by the Public Employment Services.

5. Equal pay inspections were designed to determine whether a particular employer provided equal pay and working conditions to both men and women doing the same job. The fact that the 1,000 inspections conducted had found no violations was a reflection of that approach; the gender pay gap, which related to the economy as a whole, was due to the different education choices made by men and women and preferences for certain occupations. The proportion of women in higher skilled occupations had risen from 43 per cent in 2009 to 48 per cent in 2015, while the proportion of women in employment who had completed tertiary education had increased from 42 per cent in 2009 to 50 per cent in 2015.

6. In 2015, inspectors had found 2,251 undeclared workers during 6,235 inspections and imposed 1,210 fines. In 2005, 9,266 inspections of working conditions in shops, recreation centres, factories and other workplaces had resulted in the preparation of 383 criminal files, with 458 cases tried and €250,000 imposed in fines. A total of 21 per cent of employers had been found to violate the obligation to provide written terms of employment, and 11 per cent had violated minimum wage legislation.

7. Migrant workers from outside the European Union received written contracts authorized by the Ministry of Labour, Welfare and Social Insurance before leaving their country of origin. The first line of protection for migrant workers was the complaints

mechanism, which offered three options for the resolution of cases: voluntary return to work by the employee, the signing of a release agreement, or voluntary return to the country of origin. Of the 888 complaints made in 2015, 558 had been resolved through one of the three options. The maximum length of stay on domestic and agricultural work permits had been increased from four to six years. The Safety and Health at Work Act had been amended to cover domestic households.

8. Between 2010 and 2015, 100 persons with disabilities were employed in the public sector; that figure had not increased owing to a general freeze on recruitment. The Government provided a range of benefits for persons with disabilities, including care and mobility allowances, parking schemes and financial support for technical aids.

9. The provision for a minimum of four weeks of paid leave per year was in line with the European Union Working Time Directive. Legislation governing overtime was in place for certain categories of workers, including hotel and catering employees. For other occupations, overtime was subject to individual agreements made at the time of recruitment, or was covered by collective agreements.

10. Women received maternity benefits for a period of 18 weeks regardless of whether they were employed or self-employed. The Government had abolished the mother's allowance so that the €22 million budget allocated to it could be targeted on those in need.

11. The Government's measures to tackle domestic violence included encouraging people to report offences, running public awareness campaigns, and improving data collection and research on the issue. A manual on interdepartmental cooperation on domestic violence was available, and a separate manual of domestic violence towards children was in development. Officials in the ministries of health, education and culture, justice and public order, and labour, welfare and social insurance had a mandatory duty to report all allegations or evidence of domestic violence to the Attorney-General's Office. Failure to report a case of violence against a minor or a person with intellectual disabilities constituted an offence. The Association for the Prevention and Handling of Violence in the Family operated a helpline and two shelters providing comprehensive support for victims of domestic violence. In 2015, the shelter in Nicosia had supported 9 women and 13 children, while the shelter in Paphos had supported 13 women and 18 children. No complaints had been received about the services provided by the shelters. The Advisory Committee for the Prevention and Combating of Domestic Violence had prepared a new action plan, which was expected to receive ministerial approval by the end of 2016. The new plan incorporated the findings from the evaluation of the previous plan, including the need to improve interdepartmental coordination and gender mainstreaming, as well as the concluding observations of the Committee on the Elimination of Discrimination against Women on the combined sixth and seventh periodic reports of Cyprus (CEDAW/C/CYP/CO/6-7), and the provisions of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention).

12. The Private Employment Agencies Law was designed to improve regulation of the operations of such agencies and to combat the exploitation of migrant workers. In 2005, the authorities had inspected 115 of the 134 agencies in operation and revoked the licences of 15 of them. Annual training on human trafficking was provided to agency staff members.

13. In Cyprus the problem of homelessness did not exist: any cases that were observed were dealt with immediately.

14. **Ms. Georgiadou** (Cyprus) said that the Prevention and Combating of Trafficking and Sexual Exploitation of Persons and the Protection of Victims Law, which had entered into force in April 2014, provided for jail sentences of up to 10 years or a fine of €15,000, or both, for persons convicted of trafficking offences. The Act also established an external evaluation mechanism to monitor trends and provide assessment reports. A fund was in

place to provide support, including legal aid, to victims. Under the national referral mechanism, any person identified by a government department or NGO as a potential victim of trafficking was referred to the social welfare system. Regardless of whether or not they cooperated with prosecutions, victims had the right to free legal aid if they lacked financial means, and to compensation and temporary residence permits. Traffickers were liable for the payment of damages to victims. The national referral mechanism had been approved in May 2016, and personnel in frontline services were currently undergoing training to prepare for implementation. Social Welfare Services informed victims of their rights and options regarding accommodation, financial assistance and medical care; following an evaluation of their needs, they were referred to the appropriate authority or NGO for support and assistance. There was one State-owned shelter for female victims of trafficking for sexual exploitation in Nicosia, which had been operating since 2015 with a capacity of 15 places and generally provided accommodation for a maximum of four weeks. Male victims and female victims who did not wish to stay at the shelter received financial support, including an allocation for accommodation expenses.

15. It was true that, as a result of the economic crisis, public spending had been cut, and all sectors, including health, had been affected by the austerity measures taken by the Government since 2013. Special measures had been taken to counterbalance the reduction of funding in the public health system and ensure that the financial burden on patients was not excessive. The introduction of a €10 fee to access emergency room facilities, a co-payment system, and user charges for outpatient and inpatient hospital services had all contributed to curtailing excessive demand. Free access was provided to many vulnerable groups, such as children, pregnant women, and the children of illegal migrants. All public and private hospitals had a complaints office that was obliged to respond to complaints within a maximum of two days. Seventy-five per cent of the population were entitled to public health care; the remaining 25 per cent were typically ineligible because they exceeded the income threshold. Access to quality health care was expected to be enhanced through moves to make public hospitals autonomous and introduce the national health system, which were to be completed by 2020. All public health personnel received frequent training on such subjects as treatment of victims of domestic violence and non-discrimination, including specific training regarding intersex persons. The European Union had allocated a total of €956 million to the Cypriot health sector for the period from 2014 to 2020.

16. Under the Spouses Property Relations Law, if a marriage was dissolved by death or divorce, or if the spouses were separated for more than three years, each spouse was entitled to a share in the property acquired by the other during the marriage, proportionate to the amount by which each spouse could show that he or she had contributed to the increase in the other's property. Housework and raising children were deemed to be contributions. In any event, the spouse with the lesser contribution was entitled to one third of the property acquired by the other during the marriage, without having to prove his or her contribution. Property acquired as a gift or inheritance could not be included in the settlement. Regarding the protection of women in cases of separation, under the Constitution, every person had the right to free legal assistance where the interests of justice so required and as provided by law. Under the relevant legislation, free legal aid, advice and representation was to be granted, inter alia, for cases before the family law courts and those involving violations of human rights treaty obligations, such as those under the Covenant and the Convention on the Elimination of All Forms of Discrimination against Women.

17. **Ms. Demetriou** (Cyprus) said that the discrepancy between the number of cases of domestic violence reported and the low rate of convictions was seen in all European countries. In Cyprus, approximately three-quarters of cases resulted in conviction and one quarter in acquittal. Data collected by the Government on domestic violence were available

on the Cyprus Police website. Efforts were made in the area of public awareness-raising, and police officers were routinely trained on the legislation and procedures to be followed in cases of domestic violence, as well as on the psychosocial aspects of domestic violence. Training was also provided on dealing with juvenile victims of domestic violence and sexual abuse. During its presidency of the Council of the European Union, Cyprus, in cooperation with other member States, had drafted a handbook of best police practices on overcoming attrition in domestic violence cases. Cyprus Police had participated in the elaboration of the handbook for European police officers on standardized tools of domestic violence risk assessment.

18. With regard to the right to education, girls from minorities were encouraged to participate in higher education in the same way as all other girls. Changing stereotypes and attitudes with regard to gender roles in all aspects of life was a priority area in the educational framework. According to statistics from 2013, gross enrolment in tertiary education was 42 per cent male and 58 per cent female. The Agency of Quality Assurance and Accreditation in Higher Education had recently been established with the objective of increasing the quality of higher education in Cyprus. A proposal providing for an alternative means of admission to public universities was pending enactment, as were revised regulations on the functioning of secondary schools. A law providing for a new system for the appointment of teachers had been adopted in 2015. Students from national religious minority groups could attend any public or private school of their choice; tuition fees and other expenses were fully subsidized by the Government if they opted to attend private school. Specific plans were in place for the protection and promotion of the Cypriot Maronite, Arabic and Armenian languages.

19. There was a comprehensive legislative framework regulating all matters related to the education of children with special educational needs in public schools. The majority of children with special needs were educated in mainstream classrooms, but there were also special units in mainstream schools. Children with severe or multiple disabilities were educated in special schools, which provided educational and therapeutic support through special educators and professionals such as psychologists, speech therapists, occupational therapists and physiotherapists. Every effort was made to keep children with disabilities in inclusive education by facilitating their attendance with free transportation, assistive technology and appropriate infrastructure. The aim was to provide children with disabilities with equal opportunities in education, eliminating physical barriers and social discrimination. In 2011, the Commissioner for Children's Rights had made numerous recommendations to bring existing legislation and practice related to children with disabilities in line with international human rights instruments, particularly the Convention on the Rights of the Child and the Convention on the Rights of Persons with Disabilities.

20. Turkish Cypriot students could attend a public or private school of their choice; if they chose a private school in a Government-controlled area, the fees were fully subsidized. Since 2006, the number of Turkish Cypriot students, all of whom self-identified as Roma, attending Agios Antonios primary school had decreased from 47 to 23. Despite that decrease, the number of Turkish-speaking teachers and interpreters had remained the same. In general, the pupil-teacher ratio was one teacher for every 25 students, but in Agios Antonios primary school there were two teachers and one interpreter for the 23 students. The main challenge with respect to the education of the Roma was persuading families to enrol their children in school. Special measures had been taken to support the social inclusion of Turkish Cypriot, Roma and other vulnerable students in schools, such as the provision of bilingual teachers to facilitate communication between teachers, students and parents, the provision of meals and special psychological and social welfare support to Roma students, and the organization of intercultural activities. In every school with more than five students who spoke Kurbetcha, classes were formed and they were taught their culture and history in their mother tongue. Turkish Cypriots had limited access to European

exchange and educational programmes because the universities in the occupied areas, which were not under the effective control of Cyprus, did not operate in compliance with Cypriot laws and regulations on higher education and were thus not recognized by the international community. However, under the European Union Scholarship Programme for the Turkish Cypriot Community, scholarships were awarded to students, teachers and researchers to increase their knowledge and skills in a specific field and offer them the experience of living and studying in a different environment. The Government of Cyprus fully supported the Programme.

21. With regard to the history curriculum, emphasis was placed on aspects that united the communities of Cyprus, without distortion of historical events. Schools had been provided with supplementary educational material in Greek, Turkish and English prepared by the Association for Historical Dialogue and Research, with the support of the United Nations Development Programme's Action for Cooperation and Trust Programme, to foster multiperspectivity, historical understanding and critical thinking. Every effort was made to ensure that no biased language was used, and school textbooks did not include any derogatory categorizations or stereotypes of Turkish Cypriots, Turks or any other nationality.

22. **Ms. Koursoumba** (Cyprus) said that the authority of the United Kingdom over the Sovereign Base Areas was enshrined in the Treaty concerning the Establishment of the Republic of Cyprus. It was, therefore, for the United Kingdom to respond to the question about the monitoring of human rights there. Nonetheless, under the terms of memorandums of understanding attached to the Treaty of Establishment, the Sovereign Base Areas undertook to enact legislation similar to that of the Republic of Cyprus, also in matters relating to human rights and the implementation of human rights treaties. In fact, in 2004, the Areas had enacted the Human Rights Ordinance, which was said to incorporate the provisions of the European Convention for the Protection of Human Rights and Fundamental Freedoms.

23. The United Nations had identified 52 countries that fell into the category of small island developing States. Although Cyprus was not one of them, it shared similar sustainable development challenges such as a small but growing population, limited resources, a fragile environment and vulnerability to external shocks. The Government was seeking to develop relevant policies in that regard.

24. **Mr. Pillay** said that he would appreciate more information about the results of measures taken to alleviate and combat poverty, particularly among older persons. He wondered what effect a reduction in the budget allocated to housing had had upon disadvantaged and displaced persons and wished to know whether there were any plans to build low-cost housing units.

25. He would be interested to know how many people had suffered forced eviction and which categories of the population had been most affected. If rental arrears were one of the main reasons for forced eviction, why was government assistance with rent payments not provided beforehand? Were there any legislative safeguards in that regard and were they in line with the Committee's general comment No. 7? Finally, he would be interested to know what happened to persons who had been evicted, particularly in view of the delegation's statement that there was no homelessness in Cyprus.

26. **Ms. Shin** said that she would like to know what steps were being taken to ensure equal pay for work of equal value. She would also appreciate any information the delegation could provide about measures to tackle the related issue of job segregation by gender, whereby lower-paid jobs, such as cleaning, tended to be done by women and higher-paid work, such as maintenance, tended to be the prerogative of men.

27. It would be helpful to know what percentage of persons with disabilities and special needs was covered by government assistance programmes and whether those programmes guaranteed them an adequate standard of living in line with the Covenant. The State party was clearly doing a lot to combat domestic violence but she wished to know whether, in addition to prevention measures, its efforts also included education and counselling to change the behaviour of perpetrators or potential perpetrators.

28. **Mr. Kerdoun** said that the system of public education in Cyprus ranked highly against those of other European Union countries. Nonetheless, there were problems and he wished to know if the Government was contemplating more energetic and effective measures to address them.

29. **Mr. Abashidze** (Country Rapporteur) said that he would like to know more about plans to introduce universal health insurance, about any mechanisms in place for the early identification of children with special needs, about the legal definition of inclusive education and about the protection of cultural heritage sites located in areas not under the effective control of the Government.

30. **Mr. Abdel-Moneim** said that human rights and the concept of their universality were far more deeply consolidated than they had been when the Sovereign Base Areas were established in the early 1960s. The requirement for transparency in matters concerning human rights was also much greater, and a number of instruments could be invoked vis-à-vis the situation in those Areas. Small island States could be defined not just in terms of size but also of resources. The Covenant should be invoked in any resolution on such States presented to the General Assembly of the United Nations.

31. **Mr. Kedzia** said that he had understood from the delegation's replies that migrant workers in disagreement with their employers could appeal to the courts in cases involving wage disputes. He wished to know if such workers could also have recourse to the law in other matters such as disagreements over conditions of work or employment. Were their rights in that regard the same as those of Cypriot workers?

32. Could the delegation tell the Committee what percentage of the overall labour market fell into the category of what the periodic report called "undeclared work"? He wondered whether the only measure used to combat that phenomenon was labour inspections. Were persons employed in the informal economy able to exercise their labour rights and access social security?

33. **The Chair** asked whether Cyprus had been affected to the same extent as other countries in the region by the influx of refugees fleeing the civil war in Syria.

The meeting was suspended at 11.35 a.m. and resumed at 12.10 p.m. Owing to a problem with the sound equipment, the discussion between 12.10 p.m. and 12.20 p.m. could not be covered in the summary record.

34. **Ms. Koursoumba** (Cyprus) said that, in accordance with the system that had been developed for receiving refugees, the civil defence services immediately informed the welfare and health-care services of the arrival of refugees so that they could be provided with any necessary support, including psychological support. The Red Cross also played a role in helping to accommodate refugee children in reception centres.

35. **Mr. Ignatiou** (Cyprus) said that all islands, not only small ones, faced problems such as a lack of resources, fluctuating environmental conditions and vulnerability. As a Permanent Representative in Geneva, he could not comment on the drafting of General Assembly resolutions, but he would transmit the suggestion made to his Ministry.

36. His Government attached great importance to the protection of cultural heritage. As part of the ongoing negotiations aimed at resolving the Cyprus question, two technical

committees had been established to address the protection and restoration of archaeological, cultural and religious sites. A dialogue on that issue was also being conducted between the religious leaders of the two communities. The Special Rapporteur on freedom of religion or belief and the Special Rapporteur in the field of cultural rights had visited Cyprus and learned about that dialogue. Moreover, the Permanent Mission of Cyprus had joined a core group of countries which was drafting a resolution for submission to the Human Rights Council on the protection of cultural heritage and cultural rights.

37. **Ms. Andreou** (Cyprus) said that social indicators had withstood the economic crisis and the contraction of the labour market relatively well. The number of people at risk of poverty or social exclusion had risen between 2009 and 2013 but had fallen slightly over the following year. Other indicators of poverty, including the severe material deprivation rate and the percentage of children at risk of poverty, had also fallen. Through the Operational Programme funded by the European Social Fund, the Cypriot authorities had committed themselves to taking additional action to tackle social exclusion, especially among children.

38. The housing allowance was provided by the guaranteed minimum income when the beneficiary was either renting a property or living in a property on which he or she had taken out a mortgage. For persons with disabilities, the total housing allowance could be increased by between 20 and 50 per cent.

39. Legislation existed to ensure that men and women were paid equally for the same work. When a system of professional classification was used to determine salaries, the system in question had to be designed in a way that would exclude the possibility of gender-based discrimination. The Ministry of Labour, Welfare and Social Insurance was obliged to inform all employers of the provisions of equal pay legislation, and any employer who violated that legislation would be subject to fines. A large-scale campaign had also been carried out to inform all members of the public, employers and organizations about the provisions of equal pay legislation.

40. All persons with disabilities were entitled to receive monetary benefits in addition to the basic needs allowance covered by the guaranteed minimum income. As a result, the standard of living of persons with disabilities was sufficiently protected.

41. Migrant workers had the right to appeal against decisions issued by the complaints mechanism and could also seek help from mediators and facilitators or lodge appeals with the Labour Court.

42. Inspections and a dedicated hotline for receiving complaints had made it possible to determine that 17 per cent of the total labour force worked in the informal economy. All employers reported to the hotline in 2015 had been investigated.

43. **Ms. Georgiadou** (Cyprus) said that 720 Syrian nationals had arrived in Cyprus by sea since September 2014. Cyprus had been criticized for not having been sufficiently prepared to receive refugees. Subsequently, a contingency plan had been drawn up that covered every aspect of the reception process, from the medical treatment given to refugees to the meals, clothes and support that they received. All relevant services, including the Asylum Service, participated in the process. An impressive level of support and donations for refugees had also been provided by volunteers who were not members of NGOs.

44. Turning to the question of universal health coverage, she said that, although the current health-care system could not be described as universal, it provided care to around 75 per cent of the population. The remaining 25 per cent of the population fell outside its scope either because their income was too high or because they did not contribute to the system. Slow but sure progress was being made in the implementation of a universal national health service that would provide high-quality care to all members of the

population. As a result of the reforms that were due to take place, hospitals would be granted more autonomy, primary health care would be modernized, and university clinics would be established, among other measures. A detailed plan for the restructuring of primary health care was being finalized. A pilot scheme to test the new plan was being implemented at one rural medical centre, and the opening hours of medical centres in Nicosia were being extended.

45. **Ms. Demetriou** (Cyprus) said that victims of domestic violence were supported by multidisciplinary teams of government officials and members of NGOs. A mechanism had been established for dealing with complaints from the moment when a report of domestic violence was first received by the police. Counselling was provided to perpetrators by members of NGOs working on a voluntary basis, and family counselling was also provided to both perpetrators and victims if they agreed to receive it.

46. The degree to which the Government supported inclusive education was reflected by the fact that, in 2016, a greater proportion of the budget for school transportation had been allocated to children with special needs than to the much larger number of children who did not have special needs.

47. **Mr. Abashidze** said that the purpose of the questions asked by the Committee had been to obtain a clear picture of the progress that the State party had made and the problems that it faced. The dialogue should not be seen as one-sided: the Committee had been enriched by its interaction with the delegation and had benefited from learning about innovative practices such as the guaranteed minimum income scheme. To conclude, he expressed his hope that the State party would ratify the Optional Protocol to the Covenant.

48. **Ms. Koursoumba** (Cyprus) said that the recommendations made by the Committee would be submitted to the highest executive body of the Government, the Council of Ministers, and would duly be considered when government policy was formulated. Respect for human rights, including social, economic and cultural rights, was a top priority for the Government of Cyprus. Despite the economic difficulties faced by the country, which had affected every sector of the economy, Cyprus was determined to continue its efforts to enhance, promote and safeguard human rights.

49. **The Chair** expressed his hope that the Concluding Observations made by the Committee would be considered by the Government, the judiciary, and all those responsible for implementing the Covenant in Cyprus. He also hoped that Cyprus would ratify the Optional Protocol, as that would send the clearest possible signal of its commitment to the Covenant.

The meeting rose at 12.50 p.m.